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APPLICATION NO. FI		LING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/835,537 04/16/2001		04/16/2001	Carl R. Merril	PNC-004	5407	
7	590	07/24/2003				
Peter F. Corle			EXAMINER			
P. O.Box 9169 Boston, MA 02209				PRYOR, ALTON	PRYOR, ALTON NATHANIEL	
				ART UNIT	PAPER NUMBER	
				1616		
				DATE MAILED: 07/24/2003	17	

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No. 09/835,537

Applicant(s)

Merril et al

Examiner

Alton Pryor

Art Unit 1616



Period for Repty A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE		The MAILING DATE of this c mmunicati n appears	n the cover she	et with	the corresp ndence address			
THE MAILING DATE OF THIS COMMUNICATION.  Learnance of time why be evaleted with the provision of 37 CFR 1.38 (a). In a sever, however, may a negly be timely filled after \$1X (8) MONITHS from the melting date of the communication.  If the period for really is specified above, the meaning date of the communication of the provision of the period for really is specified above, the meaning date of the communication of the period of the p		• •			l			
In the period to right seed that communication.  If the period to right seedfield above, the maniful m			TO EXPIRE		_ MONTH(S) FROM			
If the patient for raphy specified above it less than thirty (30) days, a reply within the statutery minimum of thirty (30) days will be considered minity.  If NO period for reply is specified above, the maximum statutory period will explicit with will reply within the start or extended period for right will, by statute, cause the application to become ABANCH80 (35 U.S.C. § 133).  Any reply received by the Office destroit that the mailers destroit to section and ABANCH80 (35 U.S.C. § 133).  Any reply received by the Office destroit that the mailers destroit the communication.  Responsive to communication(s) filled on Jul 10, 2003  [2a) This action is FINAL.  2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-14 and 16-29		·	no event, however, ma	ay a reply i	be timely filed after SIX (6) MONTHS from the			
1) Responsive to communication(s) filed on Jul 10, 2003 2a) This action is FINAL. 2b) This action is non-final. 3 Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under £x parte Quayle, 1935 C.D. 11; 453 O.G. 213.  Disposition of Claims 4 Claim(s) 1-14 and 16-29	- If the p - If NO p - Failure - Any re	period for reply specified above is less than thirty (30) days, a reply within the period for reply is specified above, the maximum statutory period will apply a to reply within the set or extended period for reply will, by statute, cause the ply received by the Office later than three months after the mailing date of t	and will expire SIX (6) Notes that the second in the secon	MONTHS f	from the mailing date of this communication. ONED (35 U.S.C. § 133).			
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Is/are withdrawn from consideration.   Is/are withdrawn from consideration.   Is/are allowed.   Is/are allowed.   Is/are rejected.   Is/are rejected.   Is/are objected to.   Is/are objected to by the Examiner.   Is/are allowed.   Is/are allowed.   Is/are allowed.   Is/are objected to by the Examiner.   Is/are allowed.   Is/are objected to by the Examiner.   Is/are allowed.   Is/are allowed.   Is/are objected to by the Examiner.   Is/are allowed.   Is/are allowed.   Is/are allowed.   Is/are objected to by the Examiner.   Is/are allowed.   Is/are objected to by the Examiner.   Is/are allowed.   Is/are allowed.   Is/are objected to by the Examiner.   Is/are objected to by the Examiner.   Is/are allowed.   Is/are objected to by the Examiner.   Is/are allowed.   Is/are allowed.   Is/are objected to by the Examiner.   Is/are objected to	Disposi	tion of Claims						
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Application Papers  9								
Application Papers  9)  The specification is objected to by the Examiner.  10)  The drawing(s) filed on	7) 🗆	Claim(s)			is/are objected to.			
9 The specification is objected to by the Examiner.  10 The drawing(s) filed on	8) 💢	Claims <u>1-14 and 16-29</u>	are	subject	to restriction and/or election requirement.			
The drawing(s) filed on is/are a)   accepted or b)   objected to by the Examiner.   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).   The proposed drawing correction filed on is: a)   approved b)   disapproved by the Examiner.   If approved, corrected drawings are required in reply to this Office action.   12)   The oath or declaration is objected to by the Examiner.   Priority under 35 U.S.C. §§ 119 and 120   13)   Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).   a)   All b)   Some* c)   None of:   1.   Certified copies of the priority documents have been received.   2.   Certified copies of the priority documents have been received in Application No	Applica	ition Papers						
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Application/Control Number: 09835537

Art Unit:

This application contains claims directed to the following patentably distinct species of the claimed invention: unrelated diseases referred to as prion diseases (see claim 23).

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, treating a prion disease is generic.

Applicant is advised that a reply to this requirement must include an identification of the species (elect a specific prior disease) that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CAR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Art Unit:

A telephone call was made to Attorney Peter Coloress on 7/19/03 to request an oral election to the above restriction requirement, but did not result in an election being made.

## Telephonic Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alton Pryor whose telephone number is (703) 308-4691. The examiner can normally be reached on Monday through Friday from 8:00 a.m. to 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thurman Page, can be reached on (703) 308-2927. The fax phone number for this Group is (703) 308-4556.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1235.

Alton Pryor

ALTON N. PHIOTE Primary Example AND EXAMINER Page 3

7/21/03